

DECISION MEMORANDUM

**TO: COMMISSIONER KJELLANDER
COMMISSIONER REDFORD
COMMISSIONER SMITH
COMMISSION SECRETARY
LEGAL
WORKING FILE**

FROM: CAROLEE HALL

DATE: JUNE 11, 2013

**RE: APPLICATION FOR APPROVAL OF A CENTURYLINK LOCAL
SERVICES PLATFORM (CLSP) AGREEMENT BETWEEN QWEST
CORPORATION DBA CENTURYLINK QC ("CENTURYLINK") AND
NEW HORIZONS COMMUNICATIONS CORPORATION ("NEW
HORIZONS"); CASE NO. QWE-T-13-01.**

BACKGROUND

Under the provision of the federal Telecommunications Act of 1996, interconnection agreements must be submitted to the Commission for approval. 47 U.S.C. § 252(e)(1). The Commission may reject an agreement adopted by negotiations only if it finds that the agreement: (1) discriminates against a telecommunications carrier not a party to the agreement; or (2) implementation of the agreement is not consistent with the public interest, convenience and necessity. 47 U.S.C. § 252(e)(2)(A). As the Commission noted in Order No. 28427, companies voluntarily entering into interconnection agreements "may negotiate terms, prices and conditions that do not comply with either the FCC rules or with the provision of Section 251 (b) or (c)." Order No. 28427 at 11 (emphasis in original). This comports with the FCC's statement that "a state commission shall have authority to approve an interconnection agreement adopted by negotiation even if the terms of the agreement do not comply with the requirements of [Part 51]." 47 C.F.R. § 51.3.

CURRENT APPLICATION

On June 11, 2013, this Commission received an Application from CenturyLink requesting approval of its CenturyLink Local Services Platform (CLSP) Agreement with New Horizons. See Case No. QWE-T-13-01. According to the CLSP Agreement, the services

provided include nondiscriminatory access to all vertical switch features that are loaded in CenturyLink's End Office Switch. The CLSP sets out rates, terms and conditions for the companies to interconnect their services.

As stated in the Application, both parties request an expeditious approval process and maintain that the Agreement was reached through voluntary negotiations.

STAFF ANALYSIS AND RECOMMENDATION

Staff has reviewed the Application for the CLSP Interconnection Agreement between CenturyLink and New Horizons. Staff believes that the Agreement meets the terms and conditions of this Commission and believes it is consistent with the pro-competitive policies of this Commission, the Idaho Legislature, and the federal Telecommunications Act of 1996. Accordingly, Staff believes that the Agreement merits the Commission's approval.

COMMISSION DECISION

Does the Commission agree?


Carollee Hall

iudmemos/CLSP/QWE-T-13-01 CenturyLink and New Horizons Communications Corporation